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FILED

NOV 04 1994

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

FREDERICK C. KENTZ, JR.
J. S. C.

By: Joyce Brown
Deputy Attorney General
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Tel. (201) 648-4738

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - UNION COUNTY
DOCKET NO. UNN-C-152-94

DEBORAH T. PORITZ, Attorney
General of the State of New
Jersey, and NEW JERSEY BOARD OF
DENTISTRY,

Plaintiffs,

v
APPOLLOS CASIMIR

Defendant.

Civil Action

SETTLEMENT
ORDER AND JUDGMENT

This matter having been opened to the Court by Deborah T. Poritz, Attorney General of the State of New Jersey, by Joyce Brown, Deputy Attorney General, pursuant to N.J.S.A. 45:1-18 and 45:1-23 as well as R. 4:52-1 for an Order permanently enjoining defendant from engaging in the unlicensed practice of dentistry in the State of New Jersey and for costs and penalties pursuant to N.J.S.A. 45:1-25. A preliminary order entering Temporary Restraints and authorizing the impoundment of evidence of unlawful dental practice was entered by the court ex parte on September 27, 1994. Defendant was served with the Order to Show Cause with Temporary Restraints on September 28, 1994, with a return date of October 13, 1994. The matter was adjourned until October 26, 1994

at 9:00 a.m. at the request of Bartholomew G. Babiak, counsel for the defendant, with the consent of the plaintiffs and it was agreed that the restraints would continue until that return date.

It appearing that the parties have agreed to the entry of a Consent Order for Judgment settling this matter, and defendant having acknowledged his violation of N.J.S.A. 45:6-1 et seq., and admitting solely to having engaged in the unlicensed practice of dentistry in the State of New Jersey, and it further appearing that the entry of a permanent injunction, costs and penalties is warranted, and for good cause shown;

IT IS THEREFORE, ON THIS 4 DAY OF November, 1994,

1. ORDERED that Appollos Casimir is permanently enjoined from engaging in or offering to engage in the practice of dentistry in the State of New Jersey until he obtains a valid license to do so, and it is further;

2. ORDERED that defendant shall no longer bring into the apartment located at 1108 East Grand Street, Elizabeth, New Jersey or office space owned, leased, occupied and used by him in this State, instruments and equipment customarily used for the practice of dentistry, and it is further;

3. ORDERED that after all costs and penalties have been paid by defendant as set forth in paragraphs eight (8) and nine (9) of this Order, the Division of Consumer Affairs, Enforcement Bureau, is authorized to return to the defendant herein the dental equipment and other items confiscated on September 28, 1994 excepting therefrom any and all dental records relating to any

patients treated in New Jersey, and also excepting therefrom any and all developed radiographic slides relating to any and all patients treated in New Jersey. The equipment and items subject of this Order are set forth in the inventory previously submitted to the Court, a copy of which is annexed hereto as Exhibit A; and it is further

4. ORDERED that defendant shall arrange for the removal of said items from the Enforcement Bureau of the Division of Consumer Affairs within twenty (20) days after the payment of the costs and penalties as set forth in paragraphs eight (8) and nine (9) of this Order. Defendant shall retrieve from the Enforcement Bureau the specified property and shall transport such property to his New York office at his own expense. Defendant is licensed to practice dentistry in the State of New York; and it is further

5. ORDERED that any dental records impounded which relate to patient identity and patient treatment shall not be deemed a public record and shall be kept confidential, and it is further;

6. ORDERED that the Board of Dentistry, if it deems such action to be feasible, is authorized to send by regular mail, the dental records to each dental patient for whom addresses are on record. The cost of this processing and mailing will be borne by defendant;

7. ORDERED that agents of the Attorney General are authorized to inspect the premises at 1108 East Grand Avenue, Elizabeth, New Jersey and any other business premises occupied by defendant in New Jersey, at unannounced times during regular business hours to

ascertain whether defendant is complying with the terms of this Order. Evidence of violation of the terms of this Order shall constitute grounds for the Attorney General to initiate application to the Court for such sanctions as may be permitted by law, and it is further

8. ORDERED that pursuant to N.J.S.A. 45:1-25, defendant shall pay costs of the State's investigation and prosecution of this matter in the amount of \$3,194.59, and costs of processing and mailing of dental records to patients in the amount of \$150.00 for a total of \$3,344.59, said amount to be paid in full when defendant tenders a signed copy of this order by certified check or attorney's trust account check payable to the State of New Jersey, and it is further

9. ORDERED that pursuant to N.J.S.A. 45:1-25, defendant shall pay civil penalties in the amount of \$2,500, said amount to be paid in full when he tenders a signed copy of this Order by certified check or attorney's trust account check payable to the State of New Jersey.



Frederick C. Kentz, Jr., J.S.C.
Retired and Temporarily Assigned on Recall

Consented to as to Form
and Entry:


Appollios Casimir

By: 
Bartholomew G. Babiak, Esq.,

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: 
Joyce Brown

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ATTORNEY GENERAL OF NEW JERSEY

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Jersey, and NEW JERSEY BOARD OF	:	
DENTISTRY,	:	
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Plaintiffs,	:	SETTLEMENT
	:	ORDER AND JUDGMENT
	:	
v	:	
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	:	
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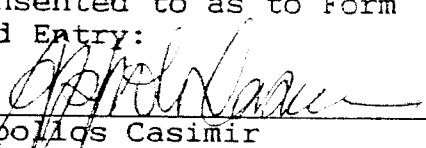
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Frederick C. Kentz, Jr., J.S.C.
Retired and Temporarily Assigned on Recall

Consented to as to Form
and Entry:


Appollos Casimir

By: 
Bartholomew G. Babiak, Esq.,

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: 
Joyce Brown